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MINING LAWS

OF

State of West Virginia

As Amended by the Legislature in Regular Session, 1907.

Compiled by
JAMES W. PAUL,
Chief of Department of Mines,
1907.

Lovett Printing Co.,
Charleston, W. Va.
1908

Received of .....Mine Foreman

of .....Company, one copy of the Mining Laws of the State of West Virginia as amended by the Legislature in Regular Session, 1907, together with a copy of the rules and regulations governing the operation of the Mines of said Company. I also acknowledge receipt of instructions as to the particular and general danger incident to my employment in such mine, as required by Section 8 of said Laws.

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WITNESS:

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MINING LAW OF WEST VIRGINIA.

AN ACT to create the department of mines, to provide a more efficient system of mine inspection, to re-district the State for the purpose of mine inspection, and to regulate mining operations.

[Passed February 22, 1907. In effect ninety days from passage. Approved by the Governor, February 27, 1907.]

SEC.

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Be it enacted by the Legislature of West Virginia:

Sec. 1. There is hereby created an executive department to be known as the "Department of Mines," which shall have for its purpose the supervision of the execution and enforcement of all state laws pertaining to the inspection of mines, heretofore and hereafter enacted for the safety of persons employed within or at the mines within this State, and the protection of mine property and other property used in and in connection therewith; and the said department of mines shall be in charge of an official to be known as the chief of the department of mines, who shall have full charge of said department, and who shall superintend and direct the inspection of mines as herein provided and as provided by any other state law not in conflict with this act.

The chief of the department of mines shall keep a record of all inspections made by himself and the district mine inspectors, which shall be a permanent record properly indexed;

the record of the department of mines shall at all times be open to inspection by any citizen of this State, and upon the request of the governor of the State the chief of the department of mines shall lay said records before said officer, also maps of mines furnished the chief of the department of mines by the district mine inspectors; any chief of the department of mines who shall violate any of the provisions of this act shall, upon conviction, be fined not less than twenty-five nor more than two hundred dollars, and may in the discretion of the court be imprisoned in the county jail not exceeding one year.

The chief of the department of mines shall be a male citizen of West Virginia, and shall be a competent person, having had at least eight years' experience in the working, ventilation and drainage of coal mines in this state and having a practical and scientific knowledge of all noxious and dangerous gases found in such mines, and to enable the said chief of the department of mines to perform his duties he shall have the same authority to visit, enter and examine, the mines as is conferred upon the district mine inspector, and he shall have the authority to call the assistance of any one of the district mine inspectors to any district in the State.

The present chief mine inspector of this State, who according to this Act, is designated as chief of the department of mines, shall continue in office under the title of chief

of the department of mines until July one, one thousand nine hundred and nine, the expiration of the term for which he was appointed as chief mine inspector, or until his successor shall be duly appointed and qualified, unless sooner removed as provided by law; and the governor of this State, shall with the consent of the senate, appoint a chief of the department of mines, whose term of office shall begin July one, one thousand nine hundred and nine, and shall be for four years, or until his successor shall be duly appointed and qualified; and the governor, with the consent of the senate, shall each four years thereafter appoint a chief of the department of mines for the term of four years or until his successor be appointed and qualified.

The salary of the chief of the department of mines, shall be twenty-four hundred dollars, and traveling expenses, which shall be paid monthly out of the State treasury upon a requisition upon the State Auditor, properly certified by the chief of the department of mines.

Sec. 2. Within thirty days after this act becomes a law the chief of the department of mines shall appoint such an additional number of district mine inspectors, which with those now in office, shall give one inspector for each mining district within the State, as hereinafter provided, whose term of office shall expire the first day of July, one thousand nine hundred and nine, or when their successors be

appointed and qualified, unless sooner removed as provided by law, and he shall direct or prescribe in which of said districts each of said inspectors shall serve; and he shall each four years thereafter appoint one inspector for each of said districts.

The salary of each district mine inspector shall be eighteen hundred dollars per annum, and actual expenses; such salary and expenses shall be paid monthly out of the State treasury upon the approval of the chief of the department of mines; *provided*, that before payment of such expenses shall be made to the inspector he shall file an account of such expenses, vertified by his affidavit, showing that they accrued in the discharge of his official duties; every person so appointed district mine inspector must be a citizen of West Virginia, having a practical knowledge of mining and the proper ventilation and drainage of mines and a knowledge of the gases met with in coal mines, and must be a miner of at least six years' experience in coal mines, or having otherwise been engaged as an employe for six years within coal mines, and he shall not while in office, be interested as owner, operator, agent, stockholder, superintendent or engineer of any coal mine, and he shall be of good moral character and temperate habits. An inspector of mines shall be removed from office by the chief of the department of mines of this State for incompetency, neglect of duty, drunkenness, malfeasance and for other good causes.

Each of the district mine inspectors shall report in writing monthly to the chief of the department of mines the number and condition of all mines inspected by him during each month and shall deliver to the operator or operators of each mine inspected a certificate of inspection, and shall post a duplicate certificate at a prominent place of the operating company where it may be conveniently read by any of the mine employes; said duplicate certificate shall remain posted until a subsequent certificate is issued by the district mine inspector, and he shall visit each mine in his district at least once in every three months or oftener if called upon in writing by ten men engaged in any one mine, or the owner, operator or superintendent of such mine, and make a personal examination of the interior of all mines, and outside of the mine where any danger may exist to the workmen, in their respective districts, and shall particularly examine into the condition of the mines as to ventilation, drainage and general safety and shall make a report of such examinations, and he shall see that all the provisions of the mining statutes are strictly carried out; and it shall be unlawful for any district mine inspector to appoint any deputy or other person to do and perform any work required of such inspector; any mine inspector, failing to comply with the requirements of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than one hun-

dred dollars nor more than five hundred dollars and be dismissed from office; the chief of the department of mines and the district mine inspectors shall each before entering upon the discharge of his duties take oath of office prescribed by the constitution and shall furnish bond in the sum of two thousand dollars, with security to be approved by the governor, conditioned upon the faithful discharge of his duty, a certificate of which oath and bond shall be filed in the office of the secretary of state. Vacancies in the office of the department of mines or district mine inspector shall be filled by appointment for the unexpired term.

Sec. 3. Each district mine inspector shall, for each year ending the thirtieth day of June, make a written report to the chief of the department of mines of his proceedings, stating therein the number of mines in his district, the improvements made in and at the mines, the extent to which this act is obeyed or violated, and such other information in relation to mines and mining as he may deem of public interest, or as may be required of him by the chief of the department of mines; he shall also suggest or recommend such legislation on the subject of mining as he may think necessary; such report shall be filed with the chief of the department of mines on or before the thirtieth day of September next succeeding the year for which it was made; the chief of the department of mines shall annually make a full and complete written report of his proceed-

ings to the governor of the State for the year ending the thirtieth of June; such report shall include the reports of the district mine inspectors, the number of visits and inspections made in the State by the district inspectors, the quantity of coal and coke produced in the State, the number of men employed, number of mines operated, ovens in and out of blast, improvements made, prosecutions, etc., and such other information in relation to the subject of mines, mining inspection and needed legislation as he may deem of public interest and beneficial to the mining interests of the State; such report shall be filed with the governor on or before the thirtieth day of December next succeeding the year for which it was made, and such report shall be printed upon the requisition of the governor and in order that the report shall be annually printed and distributed among the operators, miners and citizens of the State, the sum of fifteen hundred dollars annually is hereby appropriated out of the state treasury for this special purpose.

Sec. 4. The chief of the department of mines, by and with the approval of the governor, shall within thirty days after this act becomes a law, divide the State into twelve mining districts in such a manner as to equalize as far as practicable the work of each district inspector.

Sec. 5. The operator or agent of every coal mine shall, within six months after the passage

of this act, make or cause to be made, unless already made and filed, an accurate map or plan of such mine, on a scale to be stated thereon, of one hundred or two hundred feet to the inch; such map or plan shall show the openings or excavations, the shafts, slopes, entries, airways with darts or arrows showing direction of air currents, headings, rooms, pillars, etc., and such portions of such mine or mines as may have been abandoned, the general inclination of the coal strata, and so much of the property lines and the outcrop of the coal seam of the tract of land on which said mine is located, as may be within one thousand feet of any part of the workings of such mine; a true copy of such map or plan, shall within the six months aforesaid be delivered by such operator to the inspector of his district, to be preserved among the records of his office and turned over to his successor in office; but it is provided that in no case shall any copy of the same be made without the consent of the operator or his agent; and the original map, or a true copy thereof, shall be kept by such operator at the office of the mine, and open at all reasonable times for the examination and use of the inspector, and such operator shall, twice within every twelve months, and not more than seven months apart, while the mine is in operation, cause such mine to be surveyed and the map thereof extended so as to accurately show the progress of the workings, the property lines and outcrop as above provided

and he shall immediately thereafter notify the inspector of his district who shall forward to the said operator, or his engineer, the maps held by such inspector to be extended as above required.

Sec. 6. If the operator or agent of any coal mine shall neglect or fail to furnish to the mine inspector of his district any copy of map or extension thereof as provided in preceding section of this act, the mine inspector is hereby authorized to cause a correct survey and map or plan of said coal mine or the extension thereof to be made at the expense of the operator of such mine, the cost of which shall be recoverable from said operator as other debts are recoverable by law; and if at any time the chief of the department of mines have reason to believe that such map or plan or extension thereof furnished in pursuance of the preceding section, be materially incorrect such as will not serve the purpose for which it was intended, he may have survey and map or plan or the extension thereof made or corrected and the expense of making such survey and map or plan or extension thereof under the direction of said chief of the department of mines, shall be paid by the operator and the same may be collected as other debts are recoverable by law; and if found correct the expense thereof to be paid by the State.

Sec. 7. After the passage of this act each operator of a coal mine, before making any additional mine openings, shall furnish the

district mine inspector of the district in which the mine is located, a plan of the proposed openings and mine development.

Sec. 8. After six months from and after the passage of this act, it shall be the duty of the mine foreman or the assistant mine foreman of every coal mine in this State to see that every person employed to work in such mine shall, before beginning to work therein, be instructed as to the particular danger, incident to his work in such mine, and furnished a copy of the mining law and rules of such mine.

Every inexperienced person so employed shall work under the direction of the mine foreman, his assistant or such other experienced worker as may be designated by the mine foreman or assistant until he is familiar with the danger, incident to his work, and it shall be unlawful for the operator, agent or mine foreman of any coal mine, to employ any person to work in said mine, or permit any persons to be in said mine for the purpose of working therein, unless they are in communication with at least two openings or outlets, separated by natural strata, of not less than one hundred feet in breadth, if the mine be worked by shaft, and of not less than fifty feet in breadth at the outlets, if worked by slope or drift; to each of said outlets there shall be provided from the interior of the mine, a safe and available roadway properly drained, which shall at all times, while the mine is in operation, be kept free from all obstructions that might prevent travel

thereon in case of an emergency, and if either of said outlets be by shaft, it shall be fitted with safe and available appliances, such as stairs or hoisting machinery, which shall at all times, when the mine is in operation, be kept in order and ready for immediate use, whereby persons employed in the mine may readily escape in case of an accident.

This section shall not apply to any mine while work is being prosecuted with reasonable diligence in making communication between said outlets, necessary repairs and removing obstructions, so long as not more than twenty persons are employed at any one time in said mine; neither shall it apply to any mine, or part of a mine, in which a second outlet has been rendered unavailable by reason of the final robbing of pillars, preparatory to abandonment, so long as not more than twenty persons are employed therein at any one time.

For violation of this section the operator, agent or mine foreman, shall, upon conviction, be fined not less than fifty nor more than five hundred dollars or be imprisoned in the county jail not less than ten nor more than ninety days, in the discretion of the court.

Sec. 9. The operator or agent of every coal mine worked by shaft shall forthwith provide, and hereafter maintain, a metal tube from the top to the bottom of such shaft suitably adapted to the free passage of sound through which conversation may be held between persons at the top and at the bottom of

the shaft, also the ordinary means of signaling, and an approved safety catch and a sufficient cover overhead on every carriage used for lowering or hoisting persons, and at the top of the shaft an approved safety gate, and an adequate brake on the drum of every machine used to lower or hoist persons in such shaft; and the said operator or agent shall have the machinery used for lowering or hoisting persons into or out of the mine kept in safe condition and inspected once in each twenty-four hours, by some competent person; and there shall be cut out or around the side of the hoisting shaft or driven through the solid strata at the bottom thereof a traveling way of not less than five feet high and three feet wide to enable a person to pass the shaft in going from one side of it to the other without passing over or under the cage or other hoisting apparatus.

Any operator or agent who shall fail or refuse to comply with the requirements of this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than fifty nor more than five hundred dollars, or be imprisoned in the county jail not less than thirty days nor more than one year, in the discretion of the court.

Sec. 10. No operator or agent of any coal mine, worked by shaft or slope, shall place in charge of any engine, used for lowering into or hoisting out of said mine persons employed therein, any but competent and sober engin-

eers; and no engineer in charge of such machinery shall allow any person except such as may be deputed for that purpose by the operator or agent, to interfere with any part of the machinery; and no person shall interfere with or intimidate the engineer in the discharge of his duties; and in no case shall more than ten persons ride on any cage or car at one time, and no person shall ride on a loaded cage or car in any shaft or slope.

All slopes, engine-planes or motor roads used by persons in any mine shall be made of sufficient width to permit persons to pass moving cars with safety, or refuge holes of ample dimensions, and not more than sixty feet apart, shall be made on one side of said slope, engine-plane or motor-roads; such refuge holes shall be kept free from obstructions, and the roof and side thereof shall be made secure and be kept white washed at all times; no person shall travel on foot to or from his work upon any slope, engine-plane or motor-roads when other good roads are provided for that purpose.

For violation of the foregoing provisions of this section the operator or agent or miner shall upon conviction be fined not less than fifty nor more than five hundred dollars, or be imprisoned in the county jail not less than ten nor more than ninety days, in the discretion of the court.

Sec. 11. The operator, agent or mine foreman of every coal mine, whether worked by shaft, slope or drift, shall provide and here-

after maintain for every such mine ample means of ventilation, affording no less than one hundred cubic feet of air per minute for each and every person employed in such mine, and as much more as the district mine inspector may require, which shall be circulated around the main headings and cross headings and working places, to an extent that will dilute, render harmless and carry off the noxious and dangerous gases generated therein; and as the working places shall advance breakthroughs for air shall be made not to exceed eighty feet apart in pillars, or brattice shall be used, so as to properly ventilate the face, and all the break-throughs between the intake and return air-ways not required for the passage of air shall be closed with stoppings substantially built with suitable material, which shall be approved by the district mine inspector, so as to keep the working places well ventilated.

After six months from the passage of this act, not more than sixty persons shall be permitted to work in the same air current; *provided*, that a larger number, not exceeding eighty persons may be allowed by the district mine inspector where in his judgment, it is impracticable to comply with the foregoing requirement.

No operator, agent or mine foreman shall permit any person to work where they are unable to maintain at least one hundred cubic feet of air per minute, but this shall not be

construed to prohibit the operator from employing men to make the place of employment safe and to comply with this requirement; *provided, further*, that while the repair work necessary to get the mine in condition to comply with the law, no person or persons shall be permitted to enter that part of the mine affected except those actually employed in doing the necessary repair work.

In all mines accumulation of fine dry coal dust shall, as far as practicable, be prevented and such dust shall be kept properly watered down.

For violation of the foregoing provisions of this section the operator, agent or mine foreman shall, upon conviction, be fined not less than fifty nor more than five hundred dollars, or be imprisoned in the county jail not less than ten, nor more than ninety days, in the discretion of the court.

No mine or other employe shall take into any mine in this State any larger quantity of powder or other explosive than he may reasonably expect to use in any one shift, and all powder shall be carried into the mine in metallic cannisters of a capacity not to exceed five pounds; any person violating this provision shall upon conviction, be fined five dollars for each offense or imprisoned in the county jail not exceeding ten days.

Sec. 12. In all mines generating fire damp and where there is every reason to believe that gas will be encountered in the future work-

ings and developments of the mine the minimum ventilation shall be one hundred and fifty cubic feet per minute for each and every person employed therein and as much more as one or more of the district mine inspectors may deem requisite and all stoppings on the main entries shall be substantially built with a suitable material, which shall be approved by the district mine inspector, so as to keep the working places well ventilated; doors on main haulways shall be avoided in gaseous mines where practicable, and over casts built of masonry or other incombustible material and of ample strength shall be adopted, and where doors are used they must be built in a substantial manner and hung so as to close automatically when unobstructed.

For violation of the aforegoing provisions of this section the operator, agent or mine foreman shall, upon conviction, be fined not less than fifty nor more than five hundred dollars or be imprisoned in the county jail not less than ten nor more than ninety days, in the discretion of the court.

All old unused workings and abandoned parts of the mines must be protected by such safeguards as will prevent the dangerous overflow of any standing gas therein, and all avenues leading thereto shall be so arranged and conducted so as to give cautionary notice to all such workmen in such mines of the danger in entering therein; and in order to secure the safety of the workmen in general against

the danger in said abandoned or worked out parts of the mines, notices shall be put up and kept standing, as far as practicable, which shall afford warning to all such workmen not to enter such parts of said mine; and in addition thereto, all persons other than those specially charged with that duty, are hereby forbidden to enter such abandoned parts of such mines where gas may be found.

It shall be unlawful for any miner, after having exploded in any working place sixty cubical inches or more of powder, in one or more blasts, in any mine known to generate gas in large quantities to enter such working place and attempt to resume work in any manner whatever with a naked light in less than twenty minutes after the blast has been exploded.

And for violation of these provisions of this act, such person or persons so offending shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not less than five dollars nor more than one hundred dollars and be confined in the county jail not less than ten days nor more than one year. In all mines where explosive gas, or other gas of a dangerous or poisonous nature is known to generate in dangerous quantities, the workmen shall be immediately instructed to withdraw from the mine in case of the stoppage of the fan, or heavy falls of the roof which may obstruct the main intake or return airway until such obstruction is removed.

Sec. 13. And it shall be unlawful in all mines where gas is being generated in dangerous quantities to use any other mechanical power for ventilation purposes except fan power, and the fan shall be kept in operation night and day unless written permission be granted by the chief of the department of mines or the district mine inspector in whose district the mine is situated; but no mine operator shall be required to keep such fan going where it is necessary to shut down for the purpose of repairing machinery or doing other work in the mines, which may make it necessary.

It shall be the duty of every mine owner or operator in this State whose mine or mines are known to generate fire damp or other dangerous gas or gases in dangerous quantities to employ a "fire boss" or "bosses" where necessary, who shall be a citizen or citizens of this State, and have such knowledge of fire damp and other dangerous gases as to be able to detect the same with the use of safely lamps, and shall have a practical knowledge of the subject of the ventilation of mines and the machinery and appliances used for that purpose, and be a person with at least three years' experience in mines generating gases; it shall be the duty of said fire boss or bosses where employed in said gaseous mines to prepare a danger signal with suitable color at the mine entrance and no person except the mine owner, operator or agent, and only then in case of

necessity shall pass beyond this danger signal until the mine has been examined by the fire boss. and the same or certain parts thereof reported by him to be safe; it shall further be the duty of said fire boss or bosses to go into all the working places of such mine or mines where gas is known to exist, or liable to exist in dangerous quantities, and carefully examine the same with a safety lamp, and do, or cause to be done, whatever may be necessary to remove from such working place or places, all dangerous gases and make the same safe for persons to enter therein as workmen in such mine or mines; such examination and removal of said gases shall begin within three hours before the time each shift commences work and it shall be the duty of the said fire boss at each examination to leave evidence of his presence at the face of every working place examined, and if the mine is safe he shall remove the danger signal, or change the color thereof to safety, in order that the employees may enter said mine and begin work; in the performance of the duties on the part of the fire boss or bosses they shall have no superior officer, but all the employees working inside of said mine or mines shall be subordinate to said fire boss or bosses in this particular work; the fire boss shall upon having completed the examination of the mine before each shift, make a written record of the condition of the mine within a book having a form prescribed by the chief of the depart-

ment of mines, which record shall at all times be kept at the mine subject to the inspection of the district mine inspector or chief of the department of mines; it shall be unlawful for any person to enter said mine or mines for any purpose at the beginning of work upon each shift therein until such signal or warning has been given by said fire boss or bosses on the outside of said mine or mines as to the safety thereof, as herein provided, except under the direction of said fire boss or bosses, and then for the purpose of assisting in making said mine safe; and each person who shall enter such mine except as aforesaid, before such notice or signal has been given, or any operator, agent, or fire boss who shall violate the provisions of this section, shall be guilty of a misdemeanor and upon conviction thereof shall be fined not less than fifty dollars nor more than five hundred dollars, or imprisoned in the county jail not less than sixty days nor more than one year.

Sec. 14. Mines in which explosive gas is generated in dangerous quantities from the coal or adjacent strata shall be worked exclusively by the use of locked safety lamps, and no open lamp nor torch shall be used except as may be permitted in writing by the district mine inspector; the safety lamps used for examining any mine or which may be used for working therein, shall be furnished by, and be the property of the operator of the mine, and shall be in the charge of some

person to be designated by the "fire boss" and at least two safety lamps shall be kept at every coal mine whether such mine generates fire damp or not.

Any operator, agent or other person who shall fail or refuse to comply with the requirements of this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than fifty nor more than five hundred dollars, or be imprisoned in the county jail not less than thirty days nor more than one year, in the discretion of the court.

Sec. 15. In order to better secure the proper ventilation of every coal mine and promote the health and safety of persons employed therein, the operator or agent shall employ a competent and practical inside overseer, to be called mine foreman, who shall be a citizen of this State, and an experienced coal miner, or any person having five years' experience in a coal mine, who shall keep a careful watch over the ventilating apparatus and the airways, traveling ways, pumps and drainage; and shall see that as the miners advance their excavations, proper breakthroughs are made, to properly ventilate the mine, and that all loose coal, slate and rock over head in the working places and along the haul ways be removed or carefully secured so as to prevent danger to persons employed in such mines; and that sufficient props, caps and timbers, as nearly as possible of suitable

dimensions, are furnished for the places where they are to be used, and such props, caps and timbers shall be delivered and placed at such points as the rules for the government of each respective mine provides for them to be delivered; and every workman in want of props, cap pieces and timbers shall notify the mine foreman, or such other person who may be designated for that purpose, at least one day in advance, giving the length and number of props or timbers and cap pieces he requires; but in case of an emergency the timbers may be ordered immediately upon the discovery of any danger; and it shall be the duty of each miner to properly prop and secure his place in order to make the same secure for him to work therein. The said mine foreman shall have all water drained and hauled out of the working places where the same is practicable, before the miners enter and said working places kept dry as far as practicable while the miners are at work; it shall be the duty of the mine foreman to see that the ventilation shall be conducted through said cross-cuts into the rooms by means of check doors placed on the entries or other suitable places, and he shall not permit any room to be opened in advance of the ventilation current. Should the mine inspector discover any room, entry, airway or other working places being driven in advance of the air current contrary to the requirements

of this act he shall order the workmen working such places to cease work at once until the law is complied with.

And the mine foreman shall measure the air current at least twice each month at the inlet and outlet and at or near the faces of the advanced headings and shall keep a record of such measurements in a book having a form prescribed by the chief of the department of mines. An anemometer shall be provided for this purpose by the operator of the mine.

And in mines in which the operations are so extensive that all the duties devolving upon the mine foreman cannot be discharged by one man, competent persons having had three years' experience in a coal mine may be designated and appointed as assistants, who shall act under the mine foreman's instructions, and shall be responsible for their conduct in the discharge of their duties under such designation or employment.

On all haulways space not less than ten feet long and two feet six inches wide, between the wagon and the rib, shall be kept open at distances not exceeding one hundred feet apart, in which shelter from passing wagons may be had; it shall further be the duty of the mine foreman to have bore holes kept not less than twelve feet in advance of the face. and, where necessary, on sides of the working places that are being driven toward

and in dangerous proximity to an abandoned mine or part of mine suspected of containing inflammable gases or which is filled with water; on all haulways where hauling is done by machinery of any kind, the mine foreman shall provide a proper system of signals and a conspicuous light on the front and rear of every trip or train of cars when in motion in a mine, and when hoisting or lowering of men occurs before daylight in the morning or at evening after darkness, at any mine operated by shaft, the said mine foreman shall provide and maintain at the shaft mouth a light of a stationary character sufficient to show the landing and all surrounding objects distinctly, and sufficient light of a stationary character shall be located at the bottom of the shaft so that persons coming to the bottom may clearly discern the cages and other objects closely contiguous thereto; no cages on which men are riding shall be lifted or lowered at a rate of speed greater than six hundred feet per minute; no mine cars, either empty or loaded, shall be hoisted while men are being lowered or hoisted, and no cage having an unstable self-dumping platform shall be used for the carrying of workmen unless the same is provided with some device by which the same may be securely locked when men are being hoisted or lowered into the mine.

At every mine where ten men are employed under ground it shall be the duty of the operator thereof to keep always on hand at the

mine a properly constructed stretcher, a woolen and a water-proof blanket, and all necessary requisites which may be advised by medical practitioner employed by the company, and if as many as one hundred and fifty men be employed, two stretchers with the necessary equipments as above advised; the mine foreman, or his assistant, shall visit and examine every working place in the mine, every alternate day while the miners of such places are at work and shall direct that each and every working place shall be secured by props or timbers whenever necessary, which shall be placed and used by the miners working therein as in this act provided, to the end that such working places shall be made safe, and the said mine foreman shall not permit nor shall any one work in a place known to be unsafe unless it be for the purpose of making it safe. The mine foreman shall notify the operator or agent of the mine of his inability to comply with any of the requirements of this section, and it shall then become the duty of any operator or agent to at once attend to the matter complained of by the mine foreman, so as to enable him to comply with the provisions hereof if the same can be practicably done. Any operator who shall neglect to comply with the requirements of this section shall, upon conviction, be guilty of a misdemeanor and shall be fined not less than fifty nor more than five hundred dollars, or be imprisoned in the

county jail not less than ten days nor more than ninety days at the discretion of the court. Any mine foreman or employee failing to comply with this section shall, upon conviction, be fined not less than five dollars, nor more than fifty dollars, or imprisoned in the county jail not less than ten days nor more than ninety days, in the discretion of the court.

Sec. 16. The operator or agent of every coal mine shall furnish the inspector proper facilities for entering such mine and making examinations or obtaining information; and if any inspector shall discover that any mine does not, in appliances for the safety of the persons employed therein, conform to the provisions of this act, or that by reason of any defect or practice in or at such mine the lives or health of persons employed therein, are endangered, he shall immediately in writing notify such operator or agent thereof, stating in such notice the particulars in which he considers such mine to be defective or dangerous and if he deem it necessary for the protection of the lives or health of the persons employed in such mine, he shall, after giving notice of one day to the said operator or agent, in writing, notify immediately the chief of the department of mines, who shall immediately examine the mine reported to be unsafe, and if upon such examination the mine reported to be unsafe is in fact found to be in an unsafe condition, the chief of the department of mines shall forthwith order the mine to be closed

ntil it is placed in a safe and proper condi-
on for mining operations; the owner or oper-
tor of any mine so closed may apply to the
ircuit court wherein such mine is located, or
ne judge thereof in vacation, by petition for an
rder directing said mine to be reopened, and
uch court or the judge thereof in vacation
hall immediately hear and determine the mat-
ers arising upon such petition, and if upon
ull hearing thereof the court or the judge
hereof in vacation shall find that said mine
s in a reasonably safe condition, the prayer
f said petition shall be granted; but notice
f said hearing shall be given to the district
nine inspector or the chief of the department
f mines three days at the least before said
earing; and in all such hearings the attorney
eneral shall appear for the state and defend
he same.

Sec. 17. No boy under fourteen years of age, nor female persons of any age shall be permitted to work in any coal mine, and in all cases of doubt, the parents or guardians of such boys shall furnish affidavits of their ages; any operator, agent or mine foreman who shall knowingly violate the provisions of this section or any person knowingly making a false statement as to the age of any boy under fourteen years of age applying for work in any coal mine, shall upon conviction, be fined not less than ten nor more than five hundred dollars, or be imprisoned in the county jail not less than ten nor more than ninety days,

in the discretion of the court.

Sec. 18. No miner, workman or other persons, shall knowingly injure any shaft, lamp, instrument, air course, or brattice or obstruct or throw open airways or carry matches or open lights in the places worked by safety lamps or disturb any part of the machinery or appliances, open a door used for directing ventilation and not close it again, or enter any part of a mine against caution, or disobey any order given in carrying out any of the provisions of this act, or do any other act whereby the life or health of any person employed in the mine or the security of the mine is endangered; any person who shall violate the provisions of this section shall upon conviction, be fined not less than ten nor more than five hundred dollars, or be imprisoned in the county jail not less than ten nor more than ninety days, in the discretion of the court; when any operator of a mine shall in any manner refuse to furnish all supplies necessary for the mine foreman to comply with the requirements of this act after being so requested so to do and by reason of such refusal, loss of life or injury may result to any employee, a right of action for damages may ensue against the operator of the mine wherein such employee has not contributed to his own injury or loss.

Sec. 19. Nor shall any person or persons, or combination of persons, by force, threats, menaces, or intimidation of any kind, prevent or attempt to prevent from working in or about

ny mine, any person or persons who have he lawful right to work in or about the same, nd who desires so to work; but this provision hall not be so construed as to prevent any wo or more persons from associating together nder the name of knights of labor, or any ther name they may desire, for any lawful urpose, or for using moral suasion or lawful rgument to induce any one not to work in nd about any mine; any person or persons who shall violate the provisions of this section shall, upon conviction, be fined not less than fifty nor more than five hundred dollars, or be imprisoned in the county jail not less than ten days nor more than ninety days, in the discretion of the court.

Sec. 20. Whenever by reason of any explosion or other accident in any coal mine, or the machinery connected therewith, loss of life or serious personal injury shall occur, it shall be the duty of the superintendent of the colliery, and in his absence, the mine foreman in charge of the mine, to give notice forthwith, by mail or otherwise, to the inspector of the district, stating the particulars of such accident; and if any one is killed thereby, to the coroner of the county also, or in his absence or inability to act, to any justice of the peace; and the said inspector shall, if he deem it necessary from the facts reported, immediately go to the scene of such accident and make such suggestion and render such assistance as he may deem necessary for the future safety of

the men and investigate the cause of such explosion or accident, and make a record thereof which he shall preserve with the other records of his office; and to enable him to make such investigation, he shall have the power to compel the attendance of witnesses, and to administer oaths or affirmations; and the costs of such investigation shall be paid by the county in which such accident occurred, in the same manner as the costs of the coroner's inquests are now paid; if the coroner or justice shall determine to hold an inquest upon the body of any person killed, as aforesaid, he shall impanel a jury, no one of whom shall be directly or indirectly interested, and the inspector of mines, or the chief of the department of mines, if present at such inquest, shall have the right to appear and testify and to offer any testimony that may be relevant and to question and cross-question any witness; and the coroner or justice shall deliver to the inspector a copy of the testimony and verdict of the jury; any operator, agent, superintendent or mine foreman who shall fail to perform the duty provided in this section shall, upon conviction, be guilty of a misdemeanor, and shall be fined not less than ten nor more than five hundred dollars, or be imprisoned in the county jail not less than ten nor more than ninety days, in the discretion of the court.

Sec. 21. The operator or agent of every coal mine shall annually, during the month of July, mail or deliver to the chief of the depart-

ment of mines, a report for the preceding twelve months, ending with the thirtieth day of June; such report shall state the names of the operators and officers of the mine, the quantity of coal mined and such other information, not of a private nature, as may from time to time be required by the chief of the department of mines; blank forms of such reports shall be furnished by the chief of the department of mines. At any time any person, company or corporation operating a coal mine shall transfer the ownership of any mine to another person, company or corporation, the person, company or corporation transferring such ownership shall within thirty days make a report to the chief of the department of mines of such change, and a statement of the tons of coal produced since the first of July last, previous to the date of such sale or transfer of such mine or mines; any operator or agent failing to furnish the reports as required in this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than fifty nor more than five hundred dollars, or imprisoned in the county jail not less than thirty nor more than ninety days, in the discretion of the court.

Sec. 22. Any operator, agent, superintendent or mine foreman having in charge any mine, who shall knowingly permit any person to work in any part of a mine in violation of instructions issued by the mine inspector, made in compliance with the requirements of this

act, shall upon conviction be fined not less than fifty nor more than one hundred dollars for each person permitted to work in violation of such instructions, and any employees who shall work in violation of such instructions shall, upon conviction, be fined not less than ten nor more than fifty dollars.

Sec. 23. In any mine in which solid shooting is done the district mine inspector is authorized to prescribe the conditions under which such solid shooting may be done.

Sec. 24. No steam locomotive shall be used in mines where men are actually employed in the extraction of coal, except by the consent of the district mine inspector, but this shall not be construed to prohibit any mine owner from operating a steam locomotive through any tunnel, haulway or part of a mine that is not in actual operation and furnishing coal; any operator or agent who violates this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than fifty nor more than five hundred dollars, or be imprisoned in the county jail not less than thirty nor more than ninety days in the discretion of the court.

Sec. 25. There shall be adopted by the operator of every mine in this State special rules for the government and operation of his mine or mines, covering all the work pertaining thereto in and outside of the same, which however, shall not be in conflict with the provisions of the mining laws of this State; such rules

when established shall be printed on cardboard, in the languages spoken by ten or more employees, and shall be posted up in the drum house, tipple or some other conspicuous place about the mines where the same may be seen and observed by all the employees at such mines, and when said rules are so posted the same shall operate as a notice to all employees at such mine of their acceptance of the contents thereof; and it shall be the duty of each mine operator to furnish a printed copy of said rules to each of his employees when requested by either or any of them; any operator or agent who violates the provisions of this section shall be guilty of a misdemeanor and upon conviction shall be fined not less than fifty nor more than five hundred dollars, or be imprisoned in the county jail not less than thirty nor more than ninety days, in the discretion of the court.

Sec. 26. In all prosecutions under this act the circuit court, criminal court and justices of the peace have concurrent jurisdiction with right of appeal to circuit court.

Sec. 27. The provisions of this act shall apply only to coal mines in which five or more persons are employed in a period of twenty-four hours; but no mine employing less than ten men shall be required to employ a mine foreman.

All acts and parts of acts inconsistent with the provisions of this act are hereby repealed.

OIL REGULATIONS.
(Acts 1901, Ch. 31.)

An act to provide for the inspection of and regulation of oil used for illuminating purposes in coal mines.

(In effect May 15, 1901.)

Be it enacted by the Legislature of West Virginia:

Sec. 1. (a) That only animal, vegetable or parafine oil or other oil as free from the evolution of smoke as a standard cotton seed oil, when burned in a miner's lamp, shall be used in any open lamp or torch for illuminating purposes in any coal mine in this State and that kerosene or blackstrap oil or a mixture of kerosene and blackstrap shall not be uesd in miners' torches for illuminating purposes in any coal mine in this State. Except that a mixture of mineral oil (other than blackstrap oil) and vegetable oil can be used (in lamps?) upon machinery used as motive power to haul coal in any mine in this State, and except further, that a mixture of mineral and vegetable oil can be used for all stationary lights.

(b) A standard cottonseed oil shall have the following test:

1. It shall be free from mineral oils or mineral oil compounds.

2. It shall be tested in a glass tube one and one-half inches in diameter by eight inches deep, and the oil shall be at a temperature of sixty degrees Fahrenheit when the test is

made and shall not exceed twenty-four degrees Tagliabue hydrometer.

3. If the oil to be tested is below forty-five degrees Fahrenheit temperature, it must be slowly heated until it reaches eighty-five degrees temperature. Should the oil be above forty-five degrees temperature and below sixty-five degrees, it must be heated to seventy degrees, when, in either case it must be well shaken and allowed to cool gradually to a temperature of sixty degrees, when the test must be made.

4. In testing the gravity of oil the hydrometer must be, when possible, read from below, and the last line which appears under the surface of the oil shall be regarded as the true reading.

5. Where the oil is tested in difficult circumstances an allowance of one-half of one degree may be made for error of parallax.

6. All oil sold to be used for illuminating purposes in the mines of this State shall be contained in barrels, casks or packages branded conspicuously with the name and address of the manufacturer of said oil, the specific gravity of the same and the date of shipment.

Sec. 2. (a) Any person, firm or corporation, either, by themselves or an agent or employe, which shall sell or offer for sale for illuminating in any mine in this State, any oil or any mixture or compound of oils which does not comply with the tests as prescribed in section one of this Act, shall be deemed guilty of

a misdemeanor, and upon conviction thereof shall be fined not less than twenty-five dollars nor more than one hundred dollars for each offense.

(b) And any miner, or employe in any mine, or employe of any mine operator or mine owner, who shall knowingly use or permit to be used for illuminating purposes in any mine in this State any oil other than that prescribed in section one of this act shall, upon conviction thereof be fined not less than five dollars nor more than twenty-five dollars for each and every offense and in default of payment of such fine within 20 days from the day of conviction shall be given a sentence in the county jail for a period of not less than ten nor more than sixty days.

(c) It shall be the duty of the district mine inspectors whenever they have reason to believe that oil is being used or sold or offered for sale in violation of the provisions of this Act, to take samples of the same and have them tested under the direction of the Chief Mine Inspector, and if they are found to be inferior to the quality prescribed by this Act, the inspector shall make complaint to the Prosecuting Attorney of the county in which the offense is committed, who shall forthwith commence proceedings against the offender in any court of competent jurisdiction.

Any miner, mine employe, firm, corporation or their agents who shall refuse to permit the mine inspector to examine his or their oil used

for or sold for illuminating purposes in the coal mines of this State shall be guilty of a violation of this act and may be taken before any Justice of the Peace and fined five dollars or imprisoned in the county jail for ten days for each offense.

(d) In all cases of prosecution where the accused stands convicted of a violation of this act the cost of such prosecution shall be borne by the person, firm or corporation so convicted, and in case of failure to convict the accused the State shall pay the costs in the same manner as in other prosecutions for misdemeanors.

CHECKWEIGHMAN.

(Chapter 20, Acts 1901.)

An act providing for the weighing of certain products and fixing and prescribing the duties of checkweighman or weighmaster.

(In effect May 23, 1901.)

Be it enacted by the Legislature of West Virginia:

Sec. 1. Where the amount of wages paid to any of the persons employed in any manufacturing, mining or otherwise public enterprise employing labor, depend upon the amount produced by weight or measure, the persons so employed may at their own cost, station or appoint at each place appointed for the weighing or measuring of the products of their labor a checkweighman or measurer who shall in all cases be appointed by a majority ballot of the workmen employed at the works where he is

appointed to act as such checkweighman or measurer.

Sec. 2. Every corporation, company or person engaged in the business of mining coal in this State, where such checkweighman is employed by the miners working at such mines, shall furnish such checkweighman with a check or number and pay the said checkweighman for all coal placed to his check or number same per ton as is paid to the miners. Each of the persons so employed to see the weighing of said coal before entering upon the discharge of the duties of his employment shall take and subscribe an oath before a justice of the peace or a notary public, that he will honestly and impartially do and perform the duties of his employment and do equal and exact justice between employers and employes to the best of his judgment, skill and ability.

Sec. 3. This act shall apply to all weights, balances, steelyards and weighing machines and measures used in any factory, mine, mill or otherwise industrial concerns for determining the wages payable to any person employed according to the mineral or otherwise products produced by them through their labors.

Sec. 4. Where the weighman is mutually selected by the consent of a majority of the miners working in any mine and the operator or agent of said company it shall not be considered necessary to employ said checkweighman, but at any time that either of the parties

e the duty of the manager, superintendent, o said agreement should become dissatisfied ith said weighman they may dismiss him on en days' notice or the miners may employ a heckweighman. Any corporation, company or erson violating any of the provisions of this ct shall be guilty of misdemeanor and upon onviction thereof shall be fined for each and very offense not less than ten nor more than wo hundred dollars.

It shall be the duty of every court in each ounty, in which any such coal mine is oper- ted and in which a grand jury is empaneled, o give this act in charge to the grand jury.

EMPLOYMENT OF CHILDREN.

(Acts 1905, Chapter 75.)

An act to amend and re-enact section one, Chapter eleven, of the Acts of 1887, entitled "Employment of Children."

Sec. 1. That no minor, male or female, un- der the age of twelve years shall be employed or wages or otherwise in any mine, factory, workshop, mercantile or manufacturing estab- lishment where goods or wares are made or old, and no such minor under the age of four- teen years shall be employed during the free chool term of the district in which such child esides; provided, however, that this section hall not be construed to apply if such employ- ment will not interfere with the regular at- endance at the school of such minor. And in ll cases of minors applying for work it shall

foreman or operator, to see the provisions of this section are complied with.

Sec. 2. Any manager, superintendent, foreman or operator in any mine, factory, workshop, mercantile or manufacturing establishment, and parents and guardians allowing any child to work in violation of section one of theis act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not less than ten dollars nor more than twenty dollars for each and every offense.

Sec. 3. It shall be the duty of the prosecuting attorney to enforce the provisions of this Act, and to prosecute the violations of the same before any magistrate or court of competent jurisdiction in this State, and it shall be the duty of the commissioner of labor to report all violations of this Act to the prosecuting attorney.

Sec. 4. All fines collected for violations of this Act shall be paid into the common school fund of the county in which the offense was committed.

I hereby certify that the foregoing is a correct copy of the State law pertaining to mining, as printed in the Acts of the Legislature of West Virginia.

James W. Paul,

Chief of Department of Mines.

NOTICE.

Rules adopted by the .....
.....
on the government and operation of its mines
at ..... County, West Virginia, made in compliance with the requirements of the Acts of the Legislature of 1907, Chapter 78, Section 25, which reads: "There shall be adopted by the operator of every mine in this State special rules for the government and operation of his mine or mines, covering all the work pertaining thereto in and outside of the same, which, however, shall not be in conflict with the provisions of the mining laws of this State. Such rules when established shall be printed on card-board in the languages spoken by ten or more employes, and shall be posted up in the drum-house, tipple or some other conspicuous place about the mines, where the same may be seen and observed by all the employes at such mines, and when said rules are so posted the same shall operate as notice to all the employes at such mines of their acceptance of the contents thereof. And it shall be the duty of each mine operator to furnish a printed copy of said rules to each of his employes when requested by either or any of them."

RULES.

Rule 1. It shall be the duty of each employe of this Company to comply with the mining laws of this State, and to report any vio-

lation thereof coming under his observation to the Mine Foreman.

Rule 2. When "shot firers" are employed to fire all shots at a given time in the mines, they are directed not to fire any shots until all other employes are out of the mines, and then to begin firing farthest from the in-take air current and proceed against the air current, and this rule shall apply whether shooting is done by shot-firers or miners individually.

Rule 3. Every workman or miner in want of props, cap pieces and timber shall notify the mine foreman at least one day in advance, giving the length and number of props or timbers and cap pieces; but in case of an emergency, the timbers may be ordered immediately upon the discovery of any danger; and it shall be the duty of each miner or workman to properly prop and secure his place in order to make the same secure for him to work therein. Every order or request upon the Mine Foreman for props, cap-pieces and timbers shall designate the place where the same is wanted. In case the props, caps or timbers are not delivered the miner or workman shall cease to work in any place where timber is needed to make the place safe, until such timber is delivered.

Rule 4. Every miner and workman shall each day before beginning work, examine his working place and take down all dangerous slate, or otherwise make it safe by properly timbering, and he shall always keep on hand

and available the necessary props and caps for timbering. Should a dangerous condition arise and he be without timber, he shall immediately cease work, vacate his working place and report the fact to the Mine Foreman.

Rule 5. Miners and all employes shall observe every precaution to prevent accidents inside, outside or about the mines.

Rule 6. All employes are instructed and required to see that all engines, motors, mining machines, cars, wagons, brakes, couplings, switches, ropes, wires, tools, machinery, harness, chains and equipment of every kind and character used or handled by them or with which they work alone or in connection with others inside or outside the mines, are in proper condition and provided with the proper appliances, including sprags or other means of obstruction in operating or moving any car or cars before using them, and not to use them unless they are safe and in the proper condition for use and operation.

Rule 7. No miner or other employes shall take into the mine any larger quantity of powder or other explosive than he may reasonably expect to use in any one shift, and all powder shall be carried into the mine in metallic cannisters of a capacity not to exceed five pounds.

Rule 8. Employes are warned as to the danger of handling powder or other explosive in a rough or careless manner, and opening the same with any kind of sharp or blunt instru-

ment. Powder or other explosive should never be thrown about, but should always be carried and laid down carefully, and kept clear of electric wires, open lights or fire of any kind. Powder or other explosive must not be handled on or in motor or cars propelled or controlled by electric current.

Rule 9. Every miner or other employe is forbidden to burn kerosene or blackstrap, or mixture of kerosene and blackstrap, or any other oil forbidden by law, in his lamp within the mine under penalty of fine and imprisonment by the State authorities.

Rule 10. Every person in a state of intoxication is forbidden to enter the mine under penalty of prosecution for trespass.

Rule 11. No powder or other explosive or oil shall be stored in any part of the mines.

Rule 12. No person or persons shall go into any abandoned part of the mine unless permission in writing be granted by the Mine Foreman.

Rule 13. Every employe, except those in the proper discharge of their duties, or when necessary to escape or remove danger, is forbidden from opening and not closing any door used for directing ventilation, tampering with, moving or handling any rope, wire, engine, car, switch, signal, light, notice, tool, machinery or equipment of any kind inside, outside, or about the mines.

Rule 14. All persons who ride upon the in-

line or upon any car, engine or motor, do so t their own risk.

Rule 15. No employee shall travel to or rom his work upon any slope, plane or motor oad when any other road is provided or may e used and employees shall also avoid as far s possible using any haulway in traveling to r from their work, but where it becomes necesary to travel any slope, plane or motor road, r haulway employes must use every precauion to prevent accident to themselves and thers.

Rule 16. No driver or employe shall hitch r attempt to hitch his mule or team to a minng machine or move same until the front bits re taken from the machine.

Rule 17. Machine runners must take care f their machines and all parts thereof and ables and report promptly to the Mine Foreman or electrician any repairs necessary, and hey must not run a machine after the bits beome too du.. to do the work with ease; and hey and all others working about the mahine are cautioned to guard against the winging of the machine when the front jack s tightened at the time the machine starts to utting. No employee or other person, except hose in charge of and operating a machine, hall enter any working place while such mahine is in operation without the written perission of the Mine Foreman or Electrician.

Rule 18. Any machine runner or other person found tampering with or short-circuiting

machines, power-lines, motors or other electrical machinery will be dealt with according to law.

Rule 19. Every car of coal sent from the mine which is not properly cleaned and prepared shall be subject to the customary "dock."

Rule 20. Any driver or person found mistreating a mule will be prosecuted.

Rule 21. Any employe of this Company found taking coal from railway cars will be charged with same at the market price in addition to the regular monthly fuel charge.

Rule 22. No employee quitting work or discharged by the Company will be paid off until he has cleaned up and left his working place in proper condition, nor if occupying a house, until he has vacated the same and surrendered possession to the Company.

Rule 23. Pay of all the employes shall be subject to such deductions for Doctor, fuel charge and other charges, as are now or may hereafter be in effect.

Rule 24. Persons seeking employment shall secure it outside the mine.

Rule 25. No employee of this Company is required or expected to work in any place of unnecessary danger, or to do anything in conflict with the mining laws of the State; in fact, a faithful observance of these laws is expected and required.

Rule 26. Shooting "off the solid" is distinctly prohibited, except by permission in writing from the Mine Foreman, and under

conditions which may be prescribed in writing by the District Mine Inspector.

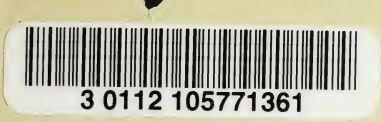
Rule 27. No boy under fourteen years of age shall be permitted to work in this mine.

MINE FOREMAN.

Rule 28. The Mine Foreman and his assistants are required to thoroughly acquaint themselves with the mining laws of West Virginia and with all their powers, duties and responsibilities thereunder, and fully execute and discharge the same.

Rule 29. It shall be the duty of all employes to familiarize themselves with the above rules of this Company, and anyone violating the same will subject himself to dismissal, and in case of accident caused by such violations, to prosecution by law.

Adopted and posted this ..... day of 190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